F.O. 881/7346

(7346.)

BRITISH EAST AFRICA.

Her Majesty's Court for East Africa.

Rule.

WHEREAS, under the provisions of Article 48 (*a*) of "The East Africa Order in Council, 1897," the Commissioner may, with the approval of the Secretary of State, and concurrence of the Treasury, make Rules imposing fees leviable in respect of any proceedings in, or process issued out of, any Court established under the said Order, and in respect of the registration of any instrument under the said Order:

Now, therefore, in pursuance of the said provision, I, Sir Arthur Henry Hardinge, Her Majesty's Commissioner, hereby direct, with the approval of Her Majesty's Principal Secretary of State for Foreign Affairs, and with the concurrence of the Lords Commissioners of Her Majesty's Treasury, that the fees specified in the Table annexed hereto shall henceforth be leviable in respect of the several proceedings, processes, and registrations mentioned therein.

March 18, 1899.

(Signed) ARTHUR H. HARDINGE.

Approved:

(Signed) Salisbury.

Table of Fees.

I.—IN CIVIL MATTERS.

	Amount Rs. a. p.
1. For service of summons, petition, answer, motion-paper, notice, warrant, decree, order, or other document on a party, witness, assessor, or other person under any branch whatever of the civil jurisdiction :—	
Within two miles (English) of the Court issuing the same	1 0 0
Beyond that distance	Such fees as will cover the cost of service, but not less than 2 rupees.
	Rs. a. p.
2. On submission of special case, to include hearing	30 0 0

Summary Orders before Suit.

3. On application for order	2 0 0
4. On recognizance	10 0 0
5. On order	2 0 0
6. On warrant of arrest	2 0 0

Bankruptcy and Liquidation by Arrangement or Composition.

7. On declaration by a debtor of inability to pay his debts	4	0 0
8. On application under Chapter XX of the Civil Procedure Code	4	0 0
9. *On bankruptcy petition	80	0 0
10. *On petition for arrangement or composition	15	0 0
11. *On order for adjudication	15	0 0
12. *On meeting or adjournment of meeting	15	0 0
13. *On order for discharge	30	0 0
14. On notice to creditors ... ... (each)	0	4 0
15. On preparing advertisement	4	0 0

* NOTE.—*If on account of the smallness of the estate the Judge thinks fit to reduce this fee, he may do so.*

PROBATE AND ADMINISTRATION.

Summary Procedure for Administration of the Estates of Deceased Persons.

16. On summons	20	0 0
17. On order	20	0 0

Ordinary Procedure on grant of Probate or Letters of Administration.

18. On application for probate or administration	15	0 0
19. On oath for every executor, administrator, or surety	7	8 0
20. On every security	15	0 0

NOTE.—*The sum levied in respect of these three fees shall not exceed 5 per cent. of the net value of the estate.*

21. On probate or administration in British East Africa ... { The like sum as was payable in England for stamp duty under section 27 of the Act 44 Vict., cap. 12, in like cases.

NOTE.—*Where any of Her Majesty's Courts in the British East Africa Protectorate, or any Judge or duly authorized officer thereof, shall be satisfied that estate duty under "The Finance Act,* 1894," (57 & 58 *Vict., cap.* 30), *or "The Finance Act,* 1896" (59 & 60 *Vict., cap.* 28), *or any Act amending the same, has been paid in the United Kingdom in respect of property situate at any place within the jurisdiction of such Courts passing on the death of the deceased person, representation of whose estate and effects shall have been granted out of such Court, it shall be lawful for such Court to repay to the legal personal representative or representatives the amount paid by him or them to such Court in respect of that property on obtaining probate or administration under section* 21 *of this Table.*

22. Where the Court appoints as administrator an officer of the Court, in addition to the foregoing ... ... { 1 per cent. on the value of the estate and effects.

	Amount. Rs. a. p.
23. On filing account	10 0 0
24. On passing account	15 0 0
25. On every caveat to include hearing	20 0 0

Ordinary Suits.

26. In every suit of any kind whatever, other than such as are before specified:—

Where the amount involved is—

Not exceeding 50 rupees	1 0 0
Exceeding 50 rupees and not exceeding 100 rupees	2 0 0
Exceeding 100 rupees .. { An additional fee of 2 rupees for every 100 rupees or part thereof up to 1,000 rupees, and an additional fee of 1 rupee for every 100 rupees in excess of 1,000 rupees. The whole fee levied not to exceed 1,000 rupees.	Rs. a. p.
27. On the issue of every witness summons	1 0 0
28. In every suit where it is not possible to estimate the subject matter at a money value, and which is not particularly charged	10 0 0

Provided that in every case where by reason of any finding or order of the Court a declaration of ownership of any money or property is made, an *ad valorem* fee at the same rate as in fee No. 25 shall at once become payable in addition to the fee already paid.

29. On application for every interlocutory injunction	10 0 0
30. On application for a mandamus or final prohibitory injunction	50 0 0
31. In a suit for arrears of rent by landlord against tenant where an order for the possession of the property occupied is sought from the tenant ... ... { An *ad valorem* fee of 5 per cent. on the yearly rental of the property in addition to the fee leviable for recovery of rent under fee No. 25.	
32. On every summons, motion, application, or demand taken out, made, or filed (not particularly charged)	Rs. a. p. 5 0 0
33. On every decree or order (not particularly charged)	2 8 0
34. On order for adjournment of hearing rendered necessary by default of either party (to be paid by that party) ... ... { 10 rupees (or such part thereof as the Judge may order).	

35. On every warrant of execution against goods—

	Rs. a. p.
To include keeping possession for fifteen days, unless the Court otherwise order ... ... { For less than 100 rupees	2 0 0
For 100 rupees, and not exceeding 500 rupees	5 0 0
For 500 rupees, and not exceeding 1,000 rupees	10 0 0
For 1,000 rupees or upwards ..	20 0 0

	Amount. Rs. a. p.
36. On taking or passing an account, otherwise than in Court, by an officer of the Court	15 0 0

Miscellaneous.

37. For attending to view, in addition to all expenses incurred	10 0 0
38. On taxation of any bill of costs, for every ten folios, from each party to the taxation	5 0 0
39. On deposit of any document	15 0 0
40. For taking an affidavit	2 8 0
41. For every exhibit	1 0 0
42. For attending to administer an oath or affirmation, or to take a declaration beyond the offices of the Court, in addition to the ordinary fee thereon ...	5 0 0
43. On every deposition taken before trial	7 8 0
44. On balances of estates of deceased persons paid into Court ...	$2\frac{1}{2}$ per cent. of the value of the subject matter not exceeding 25 rupees.
45. For superintending or taking an inventory	
46. On deposit of any money or valuables in Court	
47. On payment of money into Court in an action	
	Rs. a. p.
48. For filing any document whatever	2 0 0
49. For certifying signature or seal	4 0 0
50. For attendance at a sale—	
At request of parties interested, or of local authorities, if absent less than two hours	30 0 0
At request of parties interested, for each additional hour, or fraction thereof	Rupees 7 : 8 : 0, with a maximum per day of 60 rupees.
	Rs. a. p.
51. On reference to the archives	2 0 0
52. For certified copy of document in the archives—	
For first 100 words	2 0 0
For every further 100 words	1 0 0
53. For an official certified translation of any document—	
For first 100 words	8 0 0
For every further 100 words	4 0 0
54. For communication with another Tribunal out of the jurisdiction of the Court ...	8 0 0

II.—IN CRIMINAL MATTERS.

55. On every summons or warrant, unless specially directed by the Court, to be issued, to include service	2 0 0
56. On hearing in summary case	2 0 0
57. On warrant of commitment	1 0 0
58. On recognizance	1 0 0

III.—ON APPEALS.

On Appeals from any Court within the Protectorate to any other Court within the Protectorate.

In Civil Matters.

59. On filing a memorandum of appeal	An *ad valorem* fee of 2 rupees for every 100 rupees, or part thereof, such fee not to exceed 20 rupees.
60. On every security	Rs. a. p. 5 0 0
61. On hearing	A like fee to that paid on filing the memorandum of appeal.

In Criminal Matters.

	Amount. Rs. a. p.
62. On the appeal	3 0 0

On Appeal to the High Court in Zanzibar.

In Civil Matters.

63. On filing a memorandum of appeal	50 0 0
64. On every security	50 0 0
65. On record of appeal (including expenses of transmission)	Such sum as the Court directs.

In Criminal Matters.

	Rs. a. p.
66. On the appeal	10 0 0

British East Africa. 18 Mar. 1899. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 2 May 2016.

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